

Executive Summary – Enforcement Matter – Case No. 60128
Valero Refining-Texas, L.P.
RN100211663
Docket No. 2020-1555-IWD-E

Order Type:

Findings Agreed Order

Findings Order Justification:

People or environmental receptors have been exposed to pollutants which exceed levels that are protective.

Media:

IWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

Valero Corpus Christi Refinery East Plant, 1300 and 1147 Cantwell Lane, east of Navigation Boulevard, and approximately one-half mile north of IH-37, Corpus Christi, Nueces County

Type of Operation:

Petroleum refining facility

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: August 11, 2023

Comments Received: No

Penalty Information

Total Penalty Assessed: \$28,675

Total Paid to General Revenue: \$14,338

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$14,337

Name of SEP: Armand Bayou Nature Center, Inc. (Third-Party Pre-Approved)

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: September 24, 2020

Date(s) of NOE(s): November 6, 2020

Violation Information

Executive Summary – Enforcement Matter – Case No. 60128
Valero Refining-Texas, L.P.
RN100211663
Docket No. 2020-1555-IWD-E

Failed to comply with permitted effluent limitations for ammonia nitrogen, oil and grease, total organic carbon, and biochemical oxygen demand (5-day) [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0000465000, Effluent Limitations and Monitoring Requirements No. 1 for Outfall Nos. 001 and 004].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent returned to compliance with the permitted effluent limitations of TPDES Permit No. WQ0000465000 by the implementing the following corrective measures:

- a. By May 31, 2020, at Outfall 001, applied best management practices to enhance management of material from any future Multi-Unit Turnaround process activities that intermittently impacted wastewater treatment effectiveness. This included utilizing certified third-party facilities when material is not compatible for on-site treatment and the enactment of a new frac tank management policy; and
- b. By December 7, 2020, at Outfall 004, enhanced the Facility's procedure to route water from the stormwater pump to the collection tank, placed a chain lock on the valve to ensure no lineup changes could occur without proper approval, and developed and executed an engineering project to maintain segregation of the oily water and stormwater sewers.

Technical Requirements:

The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Mark Gamble, Enforcement Division, Enforcement Team 1, MC 219, (512) 239-2587; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division, MC 219, (512) 239-3565

SEP Third-Party Administrator: Armand Bayou Nature Center, Inc., P.O. Box 58828, Houston, Texas 77258

Respondent: Kyle Sharon, Vice President and General Manager, Valero Refining-Texas, L.P., P.O. Box 9370, Corpus Christi, Texas 78469

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

DATES	Assigned	16-Nov-2020	Screening	3-Dec-2020	EPA Due	5-Dec-2020
	PCW	4-Feb-2021				

RESPONDENT/FACILITY INFORMATION	
Respondent	Valero Refining-Texas, L.P.
Reg. Ent. Ref. No.	RN100211663
Facility/Site Region	14-Corpus Christi
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	60128	No. of Violations	3
Docket No.	2020-1555-IWD-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Mark Gamble
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$36,250
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	1.0%	Adjustment	Subtotals 2, 3, & 7	\$362
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Notes: Enhancement for two months of self-reported effluent violations and two NOVs with dissimilar violations. Reduction for five notices of intent to conduct an audit and four disclosures of violations.

Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$7,937
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$2,006
 Estimated Cost of Compliance: \$50,000
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$28,675
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$28,675
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$28,675
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$28,675
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Screening Date 3-Dec-2020

Docket No. 2020-1555-IWD-E

PCW

Respondent Valero Refining-Texas, L.P.

Policy Revision 4 (April 2014)

Case ID No. 60128

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100211663

Media Water Quality

Enf. Coordinator Mark Gamble

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	2	10%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	5	-5%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	4	-8%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 1%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for two months of self-reported effluent violations and two NOVs with dissimilar violations. Reduction for five notices of intent to conduct an audit and four disclosures of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 1%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 1%

Screening Date 3-Dec-2020
Respondent Valero Refining-Texas, L.P.
Case ID No. 60128
Reg. Ent. Reference No. RN100211663
Media Water Quality
Enf. Coordinator Mark Gamble

Docket No. 2020-1555-IWD-E

PCW

*Policy Revision 4 (April 2014)
 PCW Revision March 26, 2014*

Violation Number 1
Rule Cite(s) 30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0000465000, Effluent Limitations and Monitoring Requirements No. 1 for Outfall No. 001
Violation Description Failed to comply with permitted effluent limitations, as shown in the attached effluent violation table.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	x			100.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes
 A simplified model was used to evaluate ammonia nitrogen to determine whether the discharged amounts of pollutants exceeded protective levels. Biochemical Oxygen Demand (5-day) maximum was also considered. Human health or the environment has been exposed to pollutants which exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$0

\$25,000

Violation Events

Number of Violation Events 1 30 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$25,000

One monthly event is recommended for the month of November 2019 (Outfall No. 001).

Good Faith Efforts to Comply

25.0% Reduction \$6,250

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		

Notes The Respondent achieved compliance by May 31, 2020.

Violation Subtotal \$18,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$729 **Violation Final Penalty Total** \$19,000

This violation Final Assessed Penalty (adjusted for limits) \$19,000

Economic Benefit Worksheet

Respondent Valero Refining-Texas, L.P.
Case ID No. 60128
Reg. Ent. Reference No. RN100211663
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$25,000	31-Oct-2019	31-May-2020	0.58	\$729	n/a	\$729

Notes for DELAYED costs

Estimated Other cost to determine the cause of noncompliance, make the necessary repairs/adjustments to the Facility, and achieve compliance with the permitted effluent limitations. The Date Required is the end date of the first month of noncompliance and the Final Date is the date of compliance.

Avoided Costs

ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$25,000

TOTAL

\$729

Screening Date 3-Dec-2020

Docket No. 2020-1555-IWD-E

PCW

Respondent Valero Refining-Texas, L.P.

Policy Revision 4 (April 2014)

Case ID No. 60128

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100211663

Media Water Quality
Enf. Coordinator Mark Gamble

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and TPDES Permit No. WQ0000465000, Effluent Limitations and Monitoring Requirements No. 1 for Outfall No. 004

Violation Description Failed to comply with permitted effluent limitations, as shown in the attached effluent violation table.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual				x	15.0%
Potential					

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 2 122 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

Two quarterly events are recommended for the quarters containing the months of November 2019, January, May, and June 2020 (Outfall No. 004).

Good Faith Efforts to Comply

10.0%

Reduction \$750

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	x
N/A	

Notes The Respondent achieved compliance by December 7, 2020.

Violation Subtotal \$6,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,277

Violation Final Penalty Total \$6,825

This violation Final Assessed Penalty (adjusted for limits) \$6,825

Economic Benefit Worksheet

Respondent Valero Refining-Texas, L.P.
Case ID No. 60128
Reg. Ent. Reference No. RN100211663
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$25,000	30-Nov-2019	7-Dec-2020	1.02	\$1,277	n/a	\$1,277

Notes for DELAYED costs

Estimated Other cost to determine the cause of noncompliance, make the necessary repairs/adjustments to the Facility, and achieve compliance with the permitted effluent limitations. The Date Required is the end date of the first month of noncompliance and the Final Date is the date of compliance.

Avoided Costs

ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$25,000

TOTAL

\$1,277

Screening Date 3-Dec-2020

Docket No. 2020-1555-IWD-E

PCW

Respondent Valero Refining-Texas, L.P.

Policy Revision 4 (April 2014)

Case ID No. 60128

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100211663

Media Water Quality

Enf. Coordinator Mark Gamble

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and TPDES Permit No. WQ0000465000, Effluent Limitations and Monitoring Requirements No. 1, for Outfall No. 001

Violation Description Failed to comply with permitted effluent limitations, as shown in the attached effluent violation table.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual			X	15.0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
					0.0%
Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.					

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1 31 Number of violation days

daily		Violation Base Penalty \$3,750
weekly		
monthly		
quarterly	X	
semiannual		
annual		
single event		

One quarterly event is recommended for the quarter containing the month of October 2019 (Outfall No. 001).

Good Faith Efforts to Comply

25.0% Reduction \$937

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		

Notes The Respondent achieved compliance by May 31, 2020.

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0 Violation Final Penalty Total \$2,851

This violation Final Assessed Penalty (adjusted for limits) \$2,851

Economic Benefit Worksheet

Respondent Valero Refining-Texas, L.P.
Case ID No. 60128
Reg. Ent. Reference No. RN100211663
Media Water Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Economic Benefit included with Violation No. 1.

Avoided Costs

ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

Valero Refining-Texas, L.P.
Docket No. 2020-1555-IWD-E
TPDES Permit No. WQ0000465000

Effluent Violation Table

Monitoring Period	Outfall No. 001			Outfall No. 004	
	BOD5 Daily Maximum Loading	Ammonia Nitrogen Daily Average Loading	Ammonia Nitrogen Daily Maximum Loading	Total Organic Carbon Daily Maximum Concentration	Oil & Grease Daily Maximum Concentration
Month/Year	Limit = 752 lbs/day	Limit = 278 lbs/day	Limit = 612 lbs/day	Limit = 55 mg/L	Limit = 15 mg/L
October 2019	1,282	c	c	c	c
November 2019	1,050.8	417.3	821.6	68.5	c
January 2020	c	c	c	101	c
May 2020	c	c	c	161	C
June 2020	c	c	c	c	29.6

BOD5 = biochemical oxygen demand (5-day) mg/L = milligrams per liter c = compliant
lbs/day = pounds per day

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Compliance History Report

Compliance History Report for CN600127468, RN100211663, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

Customer, Respondent, or Owner/Operator: CN600127468, Valero Refining-Texas, L.P. **Classification:** SATISFACTORY **Rating:** 5.61

Regulated Entity: RN100211663, VALERO CORPUS CHRISTI REFINERY EAST PLANT **Classification:** SATISFACTORY **Rating:** 2.06

Complexity Points: 39 **Repeat Violator:** NO

CH Group: 02 - Oil and Petroleum Refineries

Location: 1300 AND 1147 CANTWELL LANE, EAST OF NAVIGATION BOULEVARD, AND APPROXIMATELY ONE-HALF MILE NORTH OF INTERSTATE HIGHWAY 37, NORTHWEST OF THE CITY CORPUS CHRISTI, NUECES COUNTY, TEXAS 78407

TCEQ Region: REGION 14 - CORPUS CHRISTI

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER NE0043A
AIR NEW SOURCE PERMITS REGISTRATION 71884
AIR NEW SOURCE PERMITS REGISTRATION 1084
AIR NEW SOURCE PERMITS PERMIT 2937
AIR NEW SOURCE PERMITS REGISTRATION 11652
AIR NEW SOURCE PERMITS REGISTRATION 21563
AIR NEW SOURCE PERMITS REGISTRATION 41936
AIR NEW SOURCE PERMITS AFS NUM 4835500018
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1023M1
AIR NEW SOURCE PERMITS REGISTRATION 78472
AIR NEW SOURCE PERMITS REGISTRATION 84566
AIR NEW SOURCE PERMITS REGISTRATION 92232
AIR NEW SOURCE PERMITS REGISTRATION 101544
AIR NEW SOURCE PERMITS REGISTRATION 102329
AIR NEW SOURCE PERMITS REGISTRATION 111701
AIR NEW SOURCE PERMITS REGISTRATION 139818
AIR NEW SOURCE PERMITS REGISTRATION 111705
AIR NEW SOURCE PERMITS REGISTRATION 109202
AIR NEW SOURCE PERMITS REGISTRATION 151260
AIR NEW SOURCE PERMITS REGISTRATION 162727
AIR NEW SOURCE PERMITS PERMIT AMOC40
AIR NEW SOURCE PERMITS REGISTRATION 151259
AIR NEW SOURCE PERMITS REGISTRATION 156306
AIR NEW SOURCE PERMITS REGISTRATION 159854
AIR NEW SOURCE PERMITS REGISTRATION 157361

STORMWATER PERMIT TXR05ES99

WASTEWATER EPA ID TX0006904

POLLUTION PREVENTION PLANNING ID NUMBER P01014

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 30530

TAX RELIEF ID NUMBER 20100

AIR OPERATING PERMITS PERMIT 2238

AIR NEW SOURCE PERMITS ACCOUNT NUMBER NE0043A

AIR NEW SOURCE PERMITS REGISTRATION 1085

AIR NEW SOURCE PERMITS REGISTRATION 11456

AIR NEW SOURCE PERMITS REGISTRATION 13764

AIR NEW SOURCE PERMITS REGISTRATION 22390

AIR NEW SOURCE PERMITS REGISTRATION 75588

AIR NEW SOURCE PERMITS REGISTRATION 72781

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1023

AIR NEW SOURCE PERMITS REGISTRATION 78481

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1023M2

AIR NEW SOURCE PERMITS REGISTRATION 95585

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1023M3

AIR NEW SOURCE PERMITS REGISTRATION 101863

AIR NEW SOURCE PERMITS REGISTRATION 120625

AIR NEW SOURCE PERMITS REGISTRATION 114571

AIR NEW SOURCE PERMITS REGISTRATION 118780

AIR NEW SOURCE PERMITS REGISTRATION 131573

AIR NEW SOURCE PERMITS REGISTRATION 164623

AIR NEW SOURCE PERMITS REGISTRATION 165146

AIR NEW SOURCE PERMITS REGISTRATION 146070

AIR NEW SOURCE PERMITS REGISTRATION 160745

AIR NEW SOURCE PERMITS REGISTRATION 159210

AIR NEW SOURCE PERMITS REGISTRATION 161237

IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION # (SWR) 30530

WASTEWATER PERMIT WQ0000465000

AIR EMISSIONS INVENTORY ACCOUNT NUMBER NE0043A

INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50261

INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD008132268

Compliance History Period: September 01, 2015 to August 31, 2020 **Rating Year:** 2020 **Rating Date:** 09/01/2020

Date Compliance History Report Prepared: May 25, 2021

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: May 25, 2016 to May 25, 2021

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Mark Gamble

Phone: (512) 239-2587

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	June 20, 2016	(1352177)			
Item 2	July 20, 2016	(1359151)			
Item 3	July 25, 2016	(1329156)	Item 43	December 20, 2018	(1545250)
Item 4	August 19, 2016	(1365575)	Item 44	January 18, 2019	(1559725)
Item 5	August 26, 2016	(1356705)	Item 45	February 05, 2019	(1540688)
Item 6	September 20, 2016	(1372276)	Item 46	February 20, 2019	(1559723)
Item 7	September 22, 2016	(1362975)	Item 47	February 26, 2019	(1539105)
Item 8	October 20, 2016	(1378453)	Item 48	March 11, 2019	(1550986)
Item 9	October 26, 2016	(1356441)	Item 49	March 20, 2019	(1559724)
Item 10	November 17, 2016	(1362558)	Item 50	April 18, 2019	(1571847)
Item 11	November 18, 2016	(1384412)	Item 51	May 06, 2019	(1436885)
Item 12	December 19, 2016	(1390550)	Item 52	May 20, 2019	(1583304)
Item 13	January 20, 2017	(1397166)	Item 53	June 20, 2019	(1583305)
Item 14	February 17, 2017	(1404050)	Item 54	July 19, 2019	(1593160)
Item 15	March 18, 2017	(1411150)	Item 55	August 20, 2019	(1599506)
Item 16	April 13, 2017	(1400599)	Item 56	August 27, 2019	(1582357)
Item 17	April 14, 2017	(1401583)	Item 57	September 19, 2019	(1592569)
Item 18	April 20, 2017	(1417653)	Item 58	September 20, 2019	(1606411)
Item 19	May 19, 2017	(1425242)	Item 59	October 20, 2019	(1613257)
Item 20	June 20, 2017	(1431245)	Item 60	November 25, 2019	(1589762)
Item 21	July 20, 2017	(1439854)	Item 61	January 20, 2020	(1634064)
Item 22	August 18, 2017	(1443543)	Item 62	March 20, 2020	(1647203)
Item 23	August 30, 2017	(1434737)	Item 63	April 20, 2020	(1653539)
Item 24	August 31, 2017	(1428964)	Item 64	April 21, 2020	(1632394)
Item 25	October 20, 2017	(1455989)	Item 65	April 22, 2020	(1643860)
Item 26	December 20, 2017	(1467849)	Item 66	May 04, 2020	(1611422)
Item 27	January 19, 2018	(1474554)	Item 67	May 05, 2020	(1640225)
Item 28	February 20, 2018	(1486780)	Item 68	May 06, 2020	(1632357)
Item 29	March 06, 2018	(1446938)	Item 69	May 18, 2020	(1638924)
Item 30	March 13, 2018	(1490457)	Item 70	May 20, 2020	(1660126)
Item 31	March 23, 2018	(1448989)	Item 71	May 22, 2020	(1650443)
Item 32	April 20, 2018	(1493694)	Item 72	June 24, 2020	(1632371)
Item 33	May 18, 2018	(1500612)	Item 73	July 02, 2020	(1658968)
Item 34	June 20, 2018	(1507729)	Item 74	July 16, 2020	(1663831)
Item 35	July 19, 2018	(1500119)	Item 75	July 22, 2020	(1663401)
Item 36	August 20, 2018	(1520109)	Item 76	August 03, 2020	(1665627)
Item 37	August 22, 2018	(1434631)	Item 77	August 06, 2020	(1652656)
Item 38	September 19, 2018	(1527273)	Item 78	August 12, 2020	(1665141)
Item 39	October 11, 2018	(1512333)	Item 79	August 18, 2020	(1665362)
Item 40	October 20, 2018	(1533631)	Item 80	August 20, 2020	(1680363)
Item 41	November 20, 2018	(1541466)	Item 81	August 28, 2020	(1436588)
Item 42	November 30, 2018	(1530928)	Item 82	September 11, 2020	(1673217)

Item 83	September 21, 2020	(1686931)	Item 90	February 10, 2021	(1651823)
Item 84	October 20, 2020	(1693278)	Item 91	April 09, 2021	(1708597)
Item 85	October 30, 2020	(1679547)	Item 92	April 16, 2021	(1709244)
Item 86	November 20, 2020	(1712524)	Item 93	April 23, 2021	(1703363)
Item 87	December 04, 2020	(1692496)	Item 94	May 06, 2021	(1704727)
Item 88	December 18, 2020	(1712525)	Item 95	May 12, 2021	(1708700)
Item 89	January 19, 2021	(1712526)	Item 96	May 18, 2021	(1707391)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

- 1 Date: 05/31/2020 (1666630)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 2 Date: 06/30/2020 (1673587)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 3 Date: 08/31/2020 (1659641)
Self Report? NO Classification: Moderate
Citation: /PSDTX1023M2, SC 54(D)(3)(b)(i); PERMIT
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
STC 24 OP
Description: Failure to perform calibration.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.144(4)
5C THSC Chapter 382 382.085(b)
STC 23 OP
Description: Failure to have records readily available.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 113, SubChapter C 113.540
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.143(6)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT WW 63.1063(b)(3)
5C THSC Chapter 382 382.085(b)
STC 1A OP
Description: Failure to comply with floating roof storage tank operational requirements.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 113, SubChapter C 113.120
30 TAC Chapter 115, SubChapter B 115.112(b)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(a)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(a)(2)(i)
5C THSC Chapter 382 382.085(b)
STC 1A OP
STC 1F OP
STC 23 OP
Description: Failure to perform visual inspections of internal floating roof storage tanks.
Self Report? NO Classification: Moderate
Citation: /PSDTX1023M2, SC 29(E) PERMIT
30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
STC 24 OP

Description: Failure to submit test reports by required timeframe.
 Self Report? NO Classification: Moderate
 Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(1)
 5C THSC Chapter 382 382.085(b)

Description: Failure to comply with standards for sulfur oxides.
 Self Report? NO Classification: Moderate
 Citation: /PSDTX1023M2, SC 11A PERMIT
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 STC 24 OP

Description: Failure to comply with permitted emission rates for the No. 4 Crude Charge Heater (EPN 8-H-6).
 Self Report? NO Classification: Moderate
 Citation: /PSDTX1023M2, GC 8 PERMIT

 /PSDTX1023M2, SC 1 PERMIT
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 STC 24 OP

Description: Failure to prevent unauthorized emissions to the atmosphere during an emissions event that was discovered on 8/17/2018, TCEQ/STEERS Incident No. 290501.
 Self Report? NO Classification: Moderate
 Citation: /PSDTX1023M2, SC 1 PERMIT
 /PSDTX1023M2, SC 11A PERMIT
 /PSDTX1023M2, SC 11B PERMIT
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 STC 24 OP

Description: Failure to comply with permitted emission rates for Gas Oil Treater (GOT) Charge Heater (EPN 44-H-1).
 Self Report? NO Classification: Moderate
 Citation: /PSDTX1023M2, SC 1 PERMIT
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 STC 1 OP

Description: Failure to comply with permitted emission rates for GOT Fractionator Reboiler (EPN 44-H-2).
 Self Report? NO Classification: Moderate
 Citation: /PSDTX1023M2, SC 1 PERMIT
 /PSDTX1023M2, SC 11A PERMIT
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 STC 24 OP

Description: Failure to comply with permitted emission rates for Complex 8 Boiler 2 (EPN EP-B-2).
 Self Report? NO Classification: Moderate
 Citation: /PSDTX1023M2, SC 1 PERMIT
 /PSDTX1023M2, SC 11A PERMIT
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 STC 24 OP

Description: Failure to comply with permitted emission rates for Complex 8 Boiler 1 (EPN EP-B-1).
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter F 116.615(10)

30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
SC 4(B)(i) PERMIT
SC 4(B)(ii) PERMIT
STC 26 OP

Description: Failure to comply with permitted emission rates for Complex 8 Boiler 6 (EPN EP-B-6).

Self Report? NO Classification: Moderate

Citation: /PSDTX1023M2, SC 1 PERMIT
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
STC 24 OP

Description: Failure to comply with permitted emission rates for Sulfur Recovery Unit's (SRU) Subcap (EPN SRU1-INCIN/ SRU2-INCIN).

Self Report? NO Classification: Moderate

Citation: /PSDTX1023M2, SC 13 PERMIT
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
STC 23 OP
STC 24 OP

Description: Failure to comply with sulfur recovery efficiency.

Self Report? NO Classification: Moderate

Citation: /PSDTX1023M2, SC 14 PERMIT
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
STC 24 OP

Description: Failure to maintain maximum redundant sulfur capacity.

Self Report? NO Classification: Moderate

Citation: /PSDTX1023M2, SC 7B PERMIT
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 113, SubChapter C 113.100
30 TAC Chapter 116, SubChapter B 116.115(b)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.143(6)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(f)(2)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(5)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.113(a)(1)(i)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.114(a)(2)
5C THSC Chapter 382 382.085(b)
STC 1A OP
STC 1F OP
STC 24 OP

Description: Failure to continuously monitor flare pilot flame.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 113, SubChapter C 113.780
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1566(b)(2)
5C THSC Chapter 382 382.085(b)
STC 1A OP
STC 1F OP

Description: Failure to conduct visible emissions observations per Method 22.

Self Report? NO Classification: Moderate

Citation: /PSDTX1023M2, SC 7C PERMIT
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.143(6)
5C THSC Chapter 382 382.085(b)
STC 1A OP

Description: Failure to operate flare without visible emissions.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)
30 TAC Chapter 122, SubChapter B 122.143(4)

30 TAC Chapter 122, SubChapter B 122.143(6)
 5C THSC Chapter 382 382.085(b)
 STC 1A OP
 Description: Failure to maintain daily flare observation log.
 Self Report? NO Classification: Moderate
 Citation: /PSDTX1023M2, SC 54D1 PERMIT
 /PSDTX1023M2, SC 7A PERMIT
 30 TAC Chapter 101, SubChapter A 101.20(2)
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 113, SubChapter C 113.340
 30 TAC Chapter 116, SubChapter B 116.115(b)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.143(6)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.643(a)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT CC 63.670(e)
 5C THSC Chapter 382 382.085(b)

STC 1A OP
 STC 1F OP
 Description: Failure to operate flare above the minimum required net heating value.
 Self Report? NO Classification: Moderate
 Citation: /PSDTX1023M2, SC 54D1 PERMIT
 /PSDTX1023M2, SC 7A PERMIT
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(b)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.143(6)
 40 CFR Part 60, Subpart A 60.18(c)(4)(i)
 5C THSC Chapter 382 382.085(b)
 STC 1A OP
 STC 24 OP

Description: Failure to operate the flare below maximum required flare tip exit velocity.
 Self Report? NO Classification: Moderate
 Citation: /PSDTX1023M2, SC 54D3b PERMIT
 /PSDTX1023M2, SC 54D3b(ii) PERMIT
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(b)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.143(6)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(d)
 5C THSC Chapter 382 382.085(b)
 STC 1A OP
 STC 24 OP

Description: Failure to monitor the flares as required.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.143(6)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Ja 60.107a(a)(2)
 5C THSC Chapter 382 382.085(b)
 STC 1A OP

Description: Failure to monitor for H2S content as required.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.143(6)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Ja 60.107a(e)
 5C THSC Chapter 382 382.085(b)
 STC 1A OP

Description: Failure to monitor for sulfur content as required.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 113, SubChapter C 113.1160
 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.143(6)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT GGGGG 63.7927(d)
 5C THSC Chapter 382 382.085(b)
 STC 1A OP
 STC 1F OP
 STC 23 OP

Description: Failure to monitor for temperature as required.
 Self Report? NO Classification: Moderate
 Citation: /PSDTX1023M2, SC 30 PERMIT
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 STC 24 OP

Description: Failure to monitor as required.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 116, SubChapter F 116.615(10)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.143(6)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Db 60.48b(c)
 5C THSC Chapter 382 382.085(b)
 SC 6B PERMIT
 SC 7C PERMIT
 STC 1A OP
 STC 26 OP

Description: Failure to monitor for NOx as required.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.346(a)(1)(i)(B)
 5C THSC Chapter 382 382.085(b)
 STC 12A OP

Description: Failure to comply with drain system standards.
 Self Report? NO Classification: Moderate
 Citation: /PSDTX1023M2, SC 24E PERMIT
 30 TAC Chapter 101, SubChapter A 101.20(1)
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 115, SubChapter D 115.322(4)
 30 TAC Chapter 116, SubChapter B 116.115(b)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 30 TAC Chapter 122, SubChapter B 122.143(6)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
 5C THSC Chapter 382 382.085(b)
 STC 1A OP
 STC 24 OP

Description: Failure to equip each open-ended valve or line (OEL) with a cap, blind flange, plug, or a second valve.
 Self Report? NO Classification: Moderate
 Citation: /PSDTX1023M2, GC 8 PERMIT
 /PSDTX1023M2, SC 1 PERMIT
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 STC 24 OP

Description: Failure to prevent unauthorized emissions to the atmosphere during an emissions event that was discovered on 11/14/2018, TCEQ/STEERS Incident No. 297265.
 Self Report? NO Classification: Moderate
 Citation: /PSDTX1023M2, SC 44D1 PERMIT
 /PSDTX1023M2, SC 44D2 PERMIT
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 STC 24 OP

Description: Failure to monitor as required.
 Self Report? NO Classification: Moderate
 Citation: /PSDTX1023M2, SC 1 PERMIT
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 STC 24 OP

Description: Failure to comply with permitted emission limits for maintenance, startup, and shutdown (MSS) activities.
 Self Report? NO Classification: Moderate

Citation: /PSDTX1023M2, SC 1 PERMIT
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 STC 24 OP

Description: Failure to comply with permitted emission rates for the Hydrocracker Unit (HCU) Charge Heater (EPN Q11-H-301).

Self Report? NO Classification: Moderate

Citation: /PSDTX1023M2, SC 1 PERMIT
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 STC 24 OP

Description: Failure to comply with permitted emission rates for the polymer modified asphalt (PMA) loading operations (EPN PMA-LOAD).

Self Report? NO Classification: Moderate

Citation: /PSDTX1023M2, SC 1 PERMIT
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 STC 24 OP

Description: Failure to comply with permitted emission rates for the Wastewater Tank (EPN T-109).

Self Report? NO Classification: Moderate

Citation: /PSDTX1023M2, SC 1 PERMIT
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 STC 24 OP

Description: Failure to comply with permitted emission rates for the marine loading thermal oxidizer (EPN TO-3).

Self Report? NO Classification: Moderate

Citation: /PSDTX1023M2, SC 1 PERMIT
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 STC 24 OP

Description: Failure to comply with permitted emission rates for the No. 4 Crude/Vacuum Units heater (EPN 8-H-4).

Self Report? NO Classification: Moderate

Citation: /PSDTX1023M2, SC 1 PERMIT
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 STC 24 OP

Description: Failure to comply with permitted emission rates for the Stripper Reboiler heater (EPN 39-H-2).

Self Report? NO Classification: Moderate

Citation: /PSDTX1023M2, SC 11A PERMIT
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 STC 24 OP

Description: Failure to comply with permitted emission rates for the Unit 130 SMR Heater (EPN SMR2).

Self Report? NO Classification: Moderate

Citation: /PSDTX1023M2, SC 1 PERMIT
 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
STC 24 OP

Description: Failure to comply with sitewide annual sub-cap emission limits.
Self Report? NO Classification: Moderate
Citation: /PSDTX1023M2, SC 1 PERMIT
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
STC 24 OP

Description: Failure to comply with the flares' hourly sub-cap limits.
Self Report? NO Classification: Moderate
Citation: /PSDTX1023M2, SC 1 PERMIT
/PSDTX1023M2, SC 11A PERMIT
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
STC 24 OP

Description: Failure to comply with permitted emission rates for Complex 8 Boiler 2 (EPN EP-B-2).
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.143(6)
5C THSC Chapter 382 382.085(b)
STC 1A OP

Description: Failure to comply with the sulfur dioxide concentration limits.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.145(2)(A)
5C THSC Chapter 382 382.085(b)
GTC OP

Description: Failure to report all instances of deviations.
Self Report? NO Classification: Moderate
Citation: /PSDTX1023M2, SC 16 PERMIT
30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
STC 24 OP

Description: Failure to comply with tail gas incinerator operational limits.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 101, SubChapter A 101.20(2)
30 TAC Chapter 113, SubChapter C 113.780
30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.143(6)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.104(a)(2)(i)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1568(a)(1)(i)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1569(a)(1)
5C THSC Chapter 382 382.085(b)
STC 1A OP
STC 1F OP

Description: Failure to comply with 40 CFR Part 63, Subpart UUU.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 122, SubChapter B 122.142(b)(2)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
GTC OP

Description: Failure to meet permit content requirements.

4 Date: 12/11/2020 (1685296)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 319, SubChapter A 319.6
30 TAC Chapter 319, SubChapter A 319.9(d)
Monitoring Requirements No. 1, Pg. 4 PERMIT

Description: Failed to calibrate the pH meter each day that samples are analyzed using a minimum of two standards which bracket the pH value(s) of the sample(s).

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Reporting Requirement; No. 7.c., Pg. 6 PERMIT
Description: Failed to report any effluent violation which deviates from the permitted effluent limitation by more than 40% in writing to the Regional Office and the Enforcement Division (MC 224) within 5 working days of becoming aware of the noncompliance.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Reporting Requirements; No. 1, Pg. 4 PERMIT
Description: Failed to correctly report the number of excursions on the discharge monitoring reports (DMRs).

F. Environmental audits:

Notice of Intent Date: 01/05/2017 (1388470)
No DOV Associated

Notice of Intent Date: 05/16/2018 (1486356)

Disclosure Date: 11/14/2018

Viol. Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(g)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.356(h)

Description: Failure to ensure consistent verification of applicable requirements for BWON containers (inspection decals on some vacuum trucks were missing relevant dates or were missing dates).

Viol. Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.346(a)(1)(i)(B)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.347(a)(1)(i)(B)

Description: Failure to ensure that five hatches on segregated solvent oily water sewer hubs in Unit 127 are latched (and noted that hatches on the CPI oil water separator were not secured closed).

Viol. Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(f)

Description: Failure to maintain readily available records indicating that the required visual inspection of the closed vent piping was conducted.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355(c)(3)(ii)(D)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355(c)(3)(ii)(E)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.355(c)(3)(ii)(F)

Description: Failure to ensure that minimum volume of waste is purged prior to collecting a sample. In addition, the thermometer used during sampling was not known to be calibrated or certified.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 355, SubChapter J, PT 355 355.40(b)

Description: Failure to maintain written follow-up reports to the LEPC for select air-related events.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT Y 63.560(a)(4)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT Y 63.565(l)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT Y 63.567(j)(4)

Description: Failure to maintain records of HAP emissions calculations demonstrating that the site's Marine Loading Operations emitted less than 10 tons per year of an individual HAP and less than 25 tons per year total HAPs.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Ja 60.108a(c)(6)(xi)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Ja 60.108a(d)(5)

Description: Failure to identify the discharge from the HCU flare on April 2-4, 2016 in the NSPS Subpart Ja semi-annual report.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.311(b)(1)
30 TAC Chapter 115, SubChapter D 115.312(b)(2)
30 TAC Chapter 115, SubChapter D 115.317

Description: Failure to maintain documentation demonstrating that a steam eductor on the Semi-Regen Reformer in Unit 116 qualifies for an exemption from control.

Notice of Intent Date: 12/20/2018 (1538377)

Disclosure Date: 04/05/2019

Viol. Classification: Moderate

Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.343(c)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.346(a)(1)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.346(a)(2)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.346(b)(4)
40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.349(f)

Description: Failure to ensure that benzene waste management units and other equipment subject to the benzene waste NESHAP rule requirements were not being properly monitored and/or inspected.

Viol. Classification: Moderate
Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.343(a)(1)

Description: Failure to ensure that covers and opening of tanks subject to the benzene waste NESHAP control requirements are consistently maintained in a closed sealed position.

Viol. Classification: Moderate
Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.347(a)(1)

Description: Failure to ensure that covers and openings of equipment associated with oil-water separators are consistently maintained in a closed or sealed position.

Viol. Classification: Moderate
Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.346(b)

Description: Failure to ensure that individual drain systems controlled with a cover and closed vent system are consistently maintained in a closed or sealed position.

Viol. Classification: Moderate
Citation: 40 CFR Chapter 61, SubChapter C, PT 61, SubPT FF 61.346(b)

Description: Failure to ensure that individual drain systems subject to alternative control requirements under the benzene waste NESHAP are consistently maintained to ensure compliance with alternative requirements.

Notice of Intent Date: 01/03/2019 (1539850)
Disclosure Date: 02/22/2019
Viol. Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.6(e)

Rqmt Prov: PERMIT SC 1
OP ST&C No. 24

Description: Failure to prevent a hydrocarbon leak coming from the clay treater (FIN 127-T-006) in Complex 8.

Viol. Classification: Moderate
Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.6(e)

Rqmt Prov: PERMIT SC No. 1
OP ST&C 24

Description: Failure to prevent a hydrocarbon leak on an overhead product cooler line in the Platformate Splitter Unit (FIN 154-E-108).

Disclosure Date: 05/16/2019
Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter B 115.114(b)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(b)

Rqmt Prov: PERMIT SC No. 22

Description: Failure to prevent intermittent non-fugitive emissions from pressure relief valves based on an IR camera inspection (TK-102, TK-138).

Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter B 115.114(b)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(b)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(a)(4)

Rqmt Prov: PERMIT SC No. 22

Description: Failure to prevent non-fugitive emissions from pressure relief valves based on AVO and a IR camera inspection (Tank 356).

Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter B 115.122
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(d)

Rqmt Prov: PERMIT SCs

Description: Failure to prevent a leak in the benzene tower water boot drain under the protective walking cover which released material intermittently.

Viol. Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter B 115.122
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(d)

Rqmt Prov: PERMIT SCs

Description: Failure to prevent a leaking overhead off-gas line that goes to the control valve 116-PV-04 sample line

connection.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 327 327.5

Description: Failure to prevent a spill of hydrocarbon-containing wastewater from a buried pipeline.

Disclosure Date: 11/15/2019

Viol. Classification: Moderate

Citation: 40 CFR Part 60, Subpart VV 60.482-5

Rqmt Prov: OP Applicable Requirements Summary

Description: Failure to comply with the close-loop sampling requirement at two units (120 Sulfolane and 146 Sulfolane).

Viol. Classification: Moderate

Citation: 4F TWC Chapter 63, SubChapter A 63.166(a)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.166(b)

4F TWC Chapter 63, SubChapter A 63.166(c)

Rqmt Prov: OP Applicable Requirements Summary

Description: Failure to comply with the close-loop sampling requirements at three units (116 #2 Reformate Splitter, 127 BTX, and 154 #4 Platformate Splitter).

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-2(a)(5)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT QQQ 60.692-6

Rqmt Prov: OP SC 22

Description: Failure to ensure that the API separator effluent sump hatches and PV/RV on V-002 do not intermittently emit emissions in excess of the leak definition.

Notice of Intent Date: 07/20/2020 (1670818)

Disclosure Date: 11/17/2020

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: OP SC 24(E)

Description: Failure to prevent open ended lies with a cap, blind flange, plug, or second valve Units 107, 108, 141, 143, and 144.

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
VALERO REFINING-TEXAS, L.P.
RN100211663

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2020-1555-IWD-E

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Valero Refining-Texas, L.P. (the "Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this Order to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondent owns and operates a petroleum refining facility located at 1300 and 1147 Cantwell Lane, east of Navigation Boulevard, and approximately one-half mile north of Interstate Highway 37, northwest of Corpus Christi, Nueces County, Texas (the "Facility"). The Facility is near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001(5).
2. During a record review for the Facility conducted on September 24, 2020, an investigator documented that the Respondent did not comply with permitted effluent limitations, as shown in the effluent violation table below:

Effluent Violation Table					
Monitoring Period	Outfall No. 001			Outfall No. 004	
	BOD5 Daily Maximum Loading	Ammonia Nitrogen Daily Average Loading	Ammonia Nitrogen Daily Maximum Loading	Total Organic Carbon Daily Maximum Concentration	Oil & Grease Daily Maximum Concentration
Month/Year	Limit = 752 lbs/day	Limit = 278 lbs/day	Limit = 612 lbs/day	Limit = 55 mg/L	Limit = 15 mg/L
October 2019	1,282	c	c	c	c
November 2019	1,050.8	417.3	821.6	68.5	c
January 2020	c	c	c	101	c
May 2020	c	c	c	161	C
June 2020	c	c	c	c	29.6

3. The Executive Director recognizes that the Respondent returned to compliance with the permitted effluent limitations of Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0000465000 by the implementing the following corrective measures at the Facility:
 - a. By May 31, 2020, at Outfall 001, the Respondent applied best management practices to enhance management of material from any future Multi-Unit Turnaround process activities that intermittently impacted wastewater treatment effectiveness. This included utilizing certified third-party facilities when material is not compatible for on-site treatment and the enactment of a new frac tank management policy; and
 - b. By December 7, 2020, at Outfall 004, the Respondent enhanced the Facility's procedure to route water from the stormwater pump to the collection tank, placed a chain lock on the valve to ensure no lineup changes could occur without proper approval, and developed and executed an engineering project to maintain segregation of the oily water and stormwater sewers.

II. CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, the Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 26 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2, the Respondent failed to comply with permitted effluent limitations, in violation of 30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and TPDES Permit No. WQ0000465000, Effluent Limitations and Monitoring Requirements No. 1 for Outfall Nos. 001 and 004.
3. Pursuant to TEX. WATER CODE § 7.051, the TCEQ has the authority to assess an administrative penalty against the Respondent for violations of state statutes within the TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.

4. An administrative penalty in the amount of \$28,675 is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent has paid \$14,338. Pursuant to TEX. WATER CODE § 7.067, \$14,337 of the penalty shall be conditionally offset by the Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the attached SEP Agreement ("Attachment A" - incorporated herein by reference). The Respondent's obligation to pay the conditionally offset portion of the penalty shall be discharged upon full compliance with all the terms and conditions of this Order, which includes the timely and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed a penalty as set forth in Conclusion of Law No. 4 for violations of state statutes and rules of the TCEQ. The payment of this penalty and the Respondent's compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations that are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Valero Refining-Texas, L.P., Docket No. 2020-1555-IWD-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088
2. The Respondent shall implement and complete an SEP as set forth in Conclusion of Law No. 4. The amount of \$14,337 of the assessed penalty is conditionally offset based on the Respondent's implementation and completion of the SEP pursuant to the terms of the SEP Agreement, as defined in Attachment A. Penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment.
3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

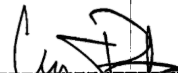
6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms in this Order.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
10. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
11. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



For the Executive Director

8/25/2023

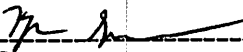
Date

I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this Order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

7/6/2023

Date

Kyle Sharon

Name (Printed or typed)
Authorized Representative of
Valero Refining-Texas, L.P.

VP and General Mgr

Title

If mailing address has changed, please check this box and provide the new address below:

Mr. Kyle Sharon, Vice President and General
Manager Valero Refining-Texas, L.P.
P.O. Box 9370
Corpus Christi, Texas 78469

Instructions: Send the original, signed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Ordering Provision 1 of this Order.

Attachment A
Docket Number: 2020-1555-IWD-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Valero Refining-Texas, L.P.
Payable Penalty Amount:	\$28,675
SEP Offset Amount:	\$14,337
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Armand Bayou Nature Center, Inc.
Project Name:	<i>Coastal Prairie, Tidal Marsh, and Forested Wetland Restoration Project</i>
Location of SEP:	Harris County

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project (“SEP”). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Armand Bayou Nature Center, Inc.** for the *Coastal Prairie, Tidal Marsh, and Forested Wetland Restoration Project*. The contribution will be used in accordance with the SEP Agreement between the Third-Party Administrator and the TCEQ (the “Project”). Specifically, the SEP Offset Amount will be used to manage the Armand Bayou Nature Center (“ABNC”), which comprises of 2,500 acres located in southeast Harris County. ABNC contains three unique and vanishing ecosystems: coastal tallgrass prairie, forested wetland, and the tidal marsh stream of Armand Bayou. Prescribed burning is one stewardship tool used to maintain a tallgrass prairie ecosystem. If the prairie is not maintained, it can be destroyed by invasive species, which primarily include the Chinese tallow tree and other woody plants. In addition, prescribed mowing shall be conducted on a rotational basis as needed for maintenance of native species and removal of non-native species. The Third Party Administrator shall propagate terrestrial and aquatic native plants and install them to restore the Coastal Prairie, Tidal Marsh, and Forested Wetlands. The SEP Offset Amount will be used to pay for the labor and materials costs associated with conducting prescribed burns, mowing, removing non-native trees, and for planting native trees and plants. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of implementing the Project, including but not limited to supplies, materials, and equipment. Any portion of this contribution that is not able to be spent on the specifically identified SEP may, at the discretion of the Executive Director (“ED”), be applied to another pre-approved SEP.

The Respondent’s signature affixed to this Agreed Order certifies that it has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit from this SEP.

b. Environmental Benefit

The ecological services provided by the restoration and management of the Coastal Prairie, Tidal Marsh, and Forested Wetlands ecosystems working in concert will help minimize pollution, reduce the amount of pollutants reaching the environment, and enhance water quality and wildlife habitat.

Coastal prairie grasslands are considered fire-dependent plant communities and require frequent exposure to fire effects for full ecological function. Prescribed fire in prairies helps control invasive species, minimize accumulated grass thatch, promote enrichment of soil nutrients and improve prairie plant vigor. One additional benefit of controlled prescribed burns is the reduction of fuels and the prevention of wildfires. This is particularly critical in the urban environment to protect human life and property and to minimize the release of large amounts of particulate matter resulting from uncontrolled wild fire. This treatment ensures that these coastal prairie grasslands will perform at their highest ecological function and provide the maximum potential ecological service to benefit water quality.

Mowing and targeted application of specialized herbicides will also help manage prairie species and remove non-native species. Propagation and installation of native plants will restore the natural balance to these ecosystems, reduce erosion, and increase habitat for wildlife. Plant installation in the Forested Wetland and Tidal Marsh will improve water quality by restoring depleted oxygen levels, providing habitat and nourishment for aquatic organisms, and reclaiming the area for native plants.

Proper management and restoration of these ecosystems will maximize the ecological services that they provide to Armand Bayou and Galveston Bay.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Armand Bayou Nature Center, Inc. SEP** and shall mail the contribution with a copy of the Agreed Order to:

Armand Bayou Nature Center, Inc.
Attention: Stewardship Coordinator
P.O. Box 58828
Houston, Texas 77258

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality"; and shall mail it to:

Valero Refining-Texas, L.P.
Docket No. 2020-1555-IWD-E
Agreed Order - Attachment A

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP and/or project, made by or on behalf of the Respondent must include a clear statement that **the project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

6. Recognition

The Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.